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08/459141

Attorney Docket No.: P0233C6
PATENT

2/c
D. Denny
8-30-95

CERTIFICATION UNDER 37 CFR 1.10

TB 817 269 959 US: Express Mail Number June 2, 1995: Date of Deposit

I hereby certify that this Transmittal of Filing Under 37 CFR 1.60(b) and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Susan Tafoya

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRIOR APPLICATION Serial No. 08/357,084
PRIOR APPLICATION Examiner: To be assigned.
Art Unit: 1813

BOX PATENT APPLICATION
Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)

This is a request for filing a

__X__ continuation
_____ divisional

application under 37 CFR 1.60, of pending prior application Serial No. 08/357,084 filed on December 15, 1994

of **Philip W. Berman and Laurence A. Lasky**

for **VACCINE BASED ON MEMBRANE BOUND PROTEINS AND PROCESS FOR MAKING THEM**

1. Copy of Prior Application as Filed Which is Attached

__X__ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:
__53__ pages of specification
__3__ pages of claims
__0__ page(s) of abstract
__18__ sheet(s) of drawings

__2__ pages of declaration and power of attorney
(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)
_____ in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing applicant's signature was filed on

_____ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

2. **Amendments**

_____ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

_____ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. **Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

_____ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently).

4. **Information Disclosure Statement**

_____ An Information Disclosure Statement is submitted herewith.

5. **Fee Calculation (37 CFR 1.16)**

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					$730.00
Total Claims	19	-20=	-0-	x $22.00	$ 0.00
Independent Claims	3	- 3=	-0-	x $76.00	$ 0.00
__ Multiple dependent claim(s), if any				+ $240.00	$ 0.00
				Filing Fee Calculation	**$730.00**

6. **Priority -- 35 U.S.C. 119**

_____ Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

_____ The certified copy has been filed on in prior U.S. application Serial No. , which prior application was filed on .

_____ certified copy will follow.

7. **Relate Back -- 35 U.S.C. 120**

__X__ Amend the specification by inserting before the first line the sentence:

--This is a

__X__ continuation
_____ divisional

of co-pending application(s)

B1

__X__ Serial No. 08/357,084 filed December 15, 1994 which is a continuation of Serial No. 08/171,858, filed December 21, 1993, which was a continuation of Serial No. 07/814,243, filed December 23, 1991, which was a continuation of Serial No. 878,087, filed June 24, 1986, which was a continuation of Serial No. 588,170 filed May 9, 1984, now abandoned, which was a continuation-in-part of Serial No. 527,917, filed August 30, 1983, now abandoned, which was a continuation-in-part of Serial No. 547,551, filed October 31, 1983, now abandoned, which applications is are incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

_____ International Application filed on , which designated the U.S., and which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

8. Inventorship Statement

[complete appropriate items (a) and (b) below]

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

__X__ the same

_____ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(b) The inventorship for all the claims in this application are

__X__ the same

_____ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. Assignment

__X__ the prior application is assigned of record to GENENTECH, INC. at Reel 4261, frames 380-381.

_____ an assignment of the invention to is attached. (Attach with Recordation Form).

10. Fee Payment Being Made at This Time

__X__	basic filing fee	$ 730.00
_____	recording assignment ($40.00; 37 CFR 1.21(h))	$
_____	processing and retention fee ($130.00; 37 CFR 1.53(d) and 1.21(l))	$
	TOTAL FEE:	$ 730.00

11. Method of Payment of Fees

__X__	charge Account No. 07-0630 in the amount	$ 730.00
__X__	A duplicate of this request is attached.	

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630.

13. Power of Attorney

The power of attorney in the prior application is to:

Walter Dreger, Reg. No. 24,190

a. _____ The power appears in the original papers in the prior application.

b. __X__ The associate power does not appear in the original papers, but is filed herewith (copy enclosed).

c. _____ A new power has been executed and is attached.

d. __X__ Address all future communications to:

GENENTECH, INC.
Attn: Timothy E. Torchia
460 Point San Bruno Boulevard
South San Francisco, CA 94080-4990
(415) 225-8674

[Item d may only be completed by applicant or agent of record].

14. Maintenance of Copendency of Prior Application
*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

_____ A petition, fee and response has been filed to extend the term in the pending prior application until
_____ A copy of the petition for extension of time in the ***prior*** application is attached.

15. Conditional Petitions for Extension of Time in Prior Application

_____ A conditional petition for extension of time is being filed in the pending prior application

_____ A copy of the conditional petition for extension of time in the ***prior*** application is attached.

16. Abandonment of Prior Application *(if applicable)*

_____ Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in 7. above.

Dated: June 2, 1995

Timothy E. Torchia
Registration No. 36,700

GENENTECH, INC.
460 Point San Bruno Blvd.
South San Francisco, CA 94080-4990
(415) 225-8674

_____ Inventor
_____ Assignee of complete interest
_____ Person authorized to sign for assignee
__X__ Attorney or agent of record
_____ Filed under rule 34(a)